

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SASA MASLIC, et al.,
Plaintiffs,

v.

ISM VUZEM D.O.O., et al.,
Defendants.

Case No. 21-cv-02556-BLF (SVK)

**ORDER FOLLOWING APRIL 23, 2024
HEARING ON JOINT DISCOVERY
STATEMENT**

Re: Dkt. No. 123

Before the Court is the Parties' joint statement regarding various discovery disputes. Dkt. 123. The Court reviewed the Parties' submission, issued a ruling on some issues on April 17, 2024 (Dkt. 126), and held an in-person hearing on the remaining issues on April 23, 2024. At the hearing, the Parties met and conferred and resolved additional issues. As for the remaining issues addressed at the hearing, the Court's rulings and reasoning are as set forth on the record and are summarized as follows:

1. By **noon P.D.T. on April 25, 2024**, Tesla must file a statement containing:
 - a. Its proposal for collecting and producing information regarding Vuzem employees from 2014-2016 from the security database maintained by Lenel. The proposal must include a reasonable date certain for production in light of the case calendar.
 - b. An affirmative representation that Tesla has conducted a diligent search and reasonable inquiry in an effort to locate an incident log and incident reports regarding incidents involving Vuzem employees from 2014-2016 and either (i) such documents have been located (in which case Tesla must produce them by **April 29, 2024**), or (ii) Tesla has not located any such documents in its possession, custody, or control.

2. Plaintiffs must inform the Court promptly after Tesla's April 25, 2024 filing of any need for further discovery assistance regarding any issue raised at the hearing.
3. By **April 29, 2024**, Tesla must:
 - a. Produce to Plaintiffs any documents located during the search for an incident log and incident reports identified in section 1(b) above.
 - b. Produce to Plaintiffs the backup information for payments from Tesla to Eisenmann that are reflected on the spreadsheet previously produced by Tesla.
 - c. Counsel for Tesla, Aaron Bernay, was formerly counsel for co-defendant Eisenmann Corporation. In the joint submission, the Parties raised an issue regarding the production of Eisenmann documents that came into Mr. Bernay's possession while he represented that party. To resolve this issue, Mr. Bernay represented that he would ask Eisenmann for permission to produce the documents to Plaintiffs. Accordingly, Tesla must produce any of the Eisenmann documents now in the possession of Tesla's counsel Mr. Bernay (formerly Eisenmann's counsel) **by April 29, 2024**, or identify to Plaintiffs and the Court any open issues regarding the production of such documents.
 - d. Provide to Plaintiffs a list (by Bates number) of all documents for which Tesla will maintain confidentiality designations.
4. At the hearing, the Parties also confirmed that the Rule 30(b)(6) deposition of Tesla will take place on either May 3 or 7, 2024, depending on witness availability.

SO ORDERED.

Dated: April 23, 2024


 SUSAN VAN KEULEN
 United States Magistrate Judge